



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Christian GOIRE et al.

Application Serial No.: 09/786,114

Filed: March 1, 2001

**For: Method for Verifying Code Transformers
for an Incorporated System , in Particular
in a Chip Card**

:
: Group Art Unit: 2183

: Examiner:
: Satish RAMPURIA

McLean, Virginia

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

SEP 16 2004

Technology Center 2100

Sir:

In response to the Office Action dated March 15, 2004, reconsideration and withdrawal of the rejections are requested in view of the following comments:

Claim 6 includes the features of determining, for each of said source and transformed codes a first common subset, ...determining, for each of said source and transformed codes a second subset constituted by a plurality of so-called auxiliary functions, the auxiliary functions representing residual difference between the source and transformed codes, and associating the auxiliary functions in pairs, where a first auxiliary function of each pair belongs to said second subset associated with the source code and a second auxiliary function of each pair belongs to a second subset associated with the transformed code.

Paragraph 9 of the Office Action asserts that Ritchey discloses several claimed steps of the method set forth in Claim 6; however, the Examiner concludes his discussion of Ritchie's disclosure with the statement that "Ritchey did not explicitly disclose transformed code designed for the embedded system of JAVACARD™." Applicants would like to point out that Claim 6 does not include this language.

More importantly, the Examiner concedes that neither Ritchey nor Chan discloses that "data is described by the pairs of functions." However, the Examiner points to Chan for disclosing a system to "download an application onto the Smart Card", and asserts that Necula "discloses in an analogous system (that) data is described by the pairs of functions (column 7, lines 25-28) 'The configuration data... describes... precondition-postcondition pairs, all of the functions... untrusted code...permitted to invoke.'"

It is respectfully submitted that neither Ritchey, Chan nor Necula disclose the first subset, second subset and associating steps as claimed. In particular, Necula defines precondition as "a description of the calling convention the consumer will use when invoking the untrusted code." Postconditions are defined by Necula as "constraints on the final execution state of the untrusted code. Both the precondition and post condition are parameters of the BCGen module 32 and are part of the safety policy."

There is no relation between the preconditions and postconditions of Necula and the first and second subsets and associating step as recited in Claim 6.

The remaining claims are rejected by a mosaic combination of Ritchey, Chan, Necula, Bristol, Drupsteen and Wilkinson. After reviewing these references, it is readily apparent that they do not overcome the deficiencies as noted above in relation to Ritchey, Chan and Necula. The references simply do not teach nor suggest each and every claimed feature, and the Examiner has failed to provide a sufficient legal basis to support a rejection under 35 U.S.C. § 103. The mere fact that references can be combined or modified does not render the resultant combination obvious. If the proposed modification or combination of the prior art would change the principal of operation or the prior art in the invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. Merely stating that one of ordinary skill in the art would be motivated to include logic with an identify function to implement the desired control functions does not meet the requirement of showing where in the reference this motivation occurs or how the teachings of each reference can be combined.

At least based on the above, applicants respectfully submit a *prima facie* case of obviousness has not been established. Moreover, since the cited references, either alone or in combination, fail to teach or suggest each and every feature of the claims, the outstanding rejections are untenable and should be withdrawn.

In view of the above, the rejection is not believed appropriate as the references fail to render the claims *prima facie* obvious. Accordingly, allowance is respectfully solicited. Should the Examiner have any questions concerning the inventive features,

Attorney Docket: T3006-906838
Responsive to Office Action
Dated March 15, 2004

the Examiner is encouraged to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

Edward J. Kondracki
Reg. No. 20,604

Date: September 14, 2004

By: 

Jason H. Vick
Registration No. 45,285

MILES & STOCKBRIDGE P.C.
1751 Pinnacle Drive
Suite 500
McLean, Virginia 22102-3833
Tel.: (703) 903-9000
Fax: (703) 610-8686

#9228344